

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

NORTHERN NATURAL GAS COMPANY, §  
§  
*Plaintiff*, §  
§  
v. § Civil Action No. SA-09-CV-709-XR  
§  
BETTY LOU SHEERIN and §  
JAMES L. SHEERIN, §  
§  
*Defendants*. §

**ORDER ON MOTION TO SUPPLEMENT COMPLAINT & MOTION**

On this day, the Court considered Plaintiff's motion to supplement its complaint and its motion for summary judgment to include a request for "any and all relief provided under TUFTA." The deadline for the parties to amend their pleadings in this case is October 29, 2010.<sup>1</sup> Because this deadline has not expired, Rule 15 of the Federal Rules of Civil Procedure governs such an amendment. FED. R. CIV. P. 15(a). The rule requires a court to "freely give leave when justice so requires." *Id.* R. 15(a)(2). Rule 15 "evinces a bias in favor of granting leave to amend." *Stripling v. Jordan Prod. Co., LLC*, 234 F.3d 863, 872 (5th Cir. 2000) (internal quotation marks and citations omitted). "Unless there is a 'substantial reason to deny leave to amend, the discretion of the district court is not broad enough to permit denial.'" *Id.* (quoting *Dussouy v. Gulf Coast Inv. Corp.*, 660 F.2d 594, 597 (Former 5th Cir. 1981)).

In its complaint, Plaintiff Northern Natural Gas Company based its claims for fraudulent conveyance on the Texas Uniform Fraudulent Transfer Act ("TUFTA"), TEX. BUS. & COM. CODE § 24.001 *et seq.* It had already requested "such other and further relief, both general and special, at

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<sup>1</sup>Scheduling Order, Jan. 19, 2010 (Docket No. 15).

law or in equity, to which Northern may be justly entitled.”<sup>2</sup> Given the claims brought against Defendants Betty Lou Sheerin and James L. Sheerin and the party’s pleadings, it was clear that the Plaintiff was seeking relief under TUFTA. The motion is GRANTED. Plaintiff Northern Natural Gas Company may supplement its First Amended Complaint and Motion for Partial Summary Judgment with a request for “any and all relief provided under TUFTA.”

It is so ORDERED.

SIGNED this 19th day of July, 2010.



XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup>1st Am. Compl. at 8, Sept. 4, 2008 (Docket No. 2).